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Report of the Special Rapporteur on the human rights to safe drinking water and sanitation on his mission to Mongolia

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, on his official visit to Mongolia from 9 to 20 April 2018. During the visit, the Special Rapporteur examined the access to water and sanitation services for Mongolians living in urban and rural areas, including the nomadic population, from the perspective of human rights.

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Report of the Special Rapporteur on the human rights to safe drinking water and sanitation on his mission to Mongolia*

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* Circulated in the language of submission only.

I. Introduction

1. Pursuant to Human Rights Council resolution 33/10, the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller, undertook an official visit to Mongolia from 9 to 20 April 2018, at the invitation of the Government.

2. During his two-week visit to Mongolia, the Special Rapporteur met representatives of several tiers of the Government,[1] representatives of international organizations,[2] multilateral funders[3] and civil society, and several residents. The Special Rapporteur thanks the Government for the invitation and organization of the visit. He would like to thank particularly those who took the time to meet with him and who generously opened their homes to him. He furthermore expresses appreciation to the office of the United Nations Resident Coordinator in Mongolia for facilitating the visit. Finally, he would like to thank the general public who followed the visit on social media.

II. The general context of access to water and sanitation in Mongolia

3. Several aspects of the culture, history, geography and socioeconomic trends in Mongolia have an impact on the situation of access to water and sanitation. One element is the extreme continental climate of Mongolia and climate change, both of which affect the extent and frequency of weather disasters. They include the phenomenon of *dzuds*, a winter weather disaster that results in inadequate pasture for the livestock. In general, winters in Mongolia are dry and long, lasting six months, and temperatures can reach as low as minus 40°C. Ulaanbaatar is the coldest capital city in the world. The extreme continental climate has contributed to making access to drinking water and sanitation services a long-lasting challenge. For instance, water and sanitation in Mongolia need to be improved, together with access to central heating in households to prevent water pipes from freezing and ensuring the availability of hot water. It was explained to the Special Rapporteur that some households prioritize heating over access to water and sanitation.

4. Another element that significantly affects access to water and sanitation is the traditional dwelling, the *ger*. A *ger* is a portable roundhouse covered by felt. It is a unique dwelling that reflects the way that the nomadic population of Mongolia lives. Owing to the unique features of the *ger*, residents are particularly vulnerable to the cold climate when it comes to water and sanitation. Those living in apartments with connected systems have early preparedness measures for the harsh winter, repairing the pipes and checking their status to prevent them from freezing. However, the residents of *ger* areas have no protection from the cold when they collect water from a kiosk that is 500 metres away, or when they use the unheated toilet located outside their homes. In the *ger* areas, the Special Rapporteur observed that toilets, which are largely very unsafe, are located outside the *gers* but inside the *ger* compound. In the cold weather, the Special Rapporteur was told that residents face the dilemma of either heating a *ger*, which is the main living space, or

[1] At the central level, the Special Rapporteur met with representatives of the Ministries of Foreign Affairs; of Environment and Tourism; of Construction and Urban Development; of Education, Culture and Science; of Labour and Social Protection; of Finance; of Health; and of Justice and Internal Affairs; Mongol US (MGL Water Corporation); National Water Committee; General Agency for Specialized Inspection; Public Health Institute; Water Services Regulatory Commission; National Human Rights Commission; State Great Hural (parliament) of Mongolia; the Parliamentary Committee on social policy, education, culture and science. At the local government level, he met with representatives of the Municipality of Ulaanbaatar; the Water Supply and Sewerage Authority of Ulaanbaatar, the Housing and Communal Services Authority of Ulaanbaatar; Nalaikh District of Ulaanbaatar; and the Tsogttsetsii district (*soum*).

[2] United Nations Population Fund, United Nations Children's Fund, United Nations Development Programme. World Health Organization and International Organization for Migration.

[3] Asian Development Bank, Japanese International Cooperation Agency and the Millennium Challenge Corporation.

heating the toilet. In addition, the default way of upgrading the sanitation solutions, for example installing toilets and developing a sewerage network, faces challenges. Building toilets inside the *ger* is not possible as the *ger* is too small and in general, there are no walls dividing the inside. Further, because of the cold climate, sewerage pipes would need to be installed deeper in the ground than the standard depth to prevent the pipes from freezing.

5. The third related phenomenon is the rapid urbanization and migration of the rural population to Ulaanbaatar and other urban areas. Owing to the socioeconomic changes in the 1990s, and the impact thereof, most rural migrants settled in informal communities in the *ger* areas. The rapid urbanization that has been observed in recent years was mainly the result of the high level of poverty in rural areas triggered by harsh winters that affect herders' livelihoods. The *ger* has been used as a dwelling not only for the nomadic population, but also for those who have migrated from rural to urban areas, settling in the *ger* areas, as apartments are often unaffordable and unavailable for them. The convenience of mounting, dismounting and transporting a *ger* has led to a situation in which the speed of population growth in urban areas, mostly due to migration, is faster than the expansion of services provided, including water and sanitation. The migration of the nomadic population to urban areas has extended the *ger* areas in cities and villages. Owing to migration to the city, the population of the *ger* area of Ulaanbaatar is increasing at 5 per cent annually.[4] The expansion of the *ger* areas without prior planning and management causes problems in relation to water, sanitation and wastewater disposal, among others. It has also exacerbated unequal access to drinking water and sanitation services between those living in apartments and houses in areas with centrally connected pipes and those living in the *ger* areas without a piped connection.

6. A fourth element is that Mongolia is known for its nomadic herding culture which shapes the values, practices and lifestyles of Mongolians today (see A/HRC/37/58/Add.2, para. 18). More than one third of Mongolians lead a nomadic lifestyle, relying on their livestock as the main source of their income, food and, in general, their livelihood. In that context, the Special Rapporteur examined access to water in Mongolia, including drinking water, water used for personal and domestic purposes, such as washing and cooking, water used for subsistence farming and water for livestock, as it is crucial to the nomadic way of life.

7. Finally, mining, which requires a large amount of water for its operations, has expanded in Mongolia with exploration and exploitation covering approximately 7 per cent of the territory (see A/HRC/37/58/Add.2, para. 49). According to estimates, Oyu Tolgoi, a massive copper and gold mine, will account for as much as one third of gross domestic product by 2020.[5] While mining contributes greatly to the economy of Mongolia, it raises serious environmental concerns, including water pollution and groundwater overuse (see A/HRC/37/58/Add.2, paras. 22 and 45–63).

8. Despite these challenges, some commendable efforts have been made in the water and sanitation sector in comparison to the 1990s, when Mongolians had to queue in line for two to three hours in the cold winter days to collect water. According to the 2010 population and housing census, 42 per cent of households living in buildings have access to a centralized water supply, while 56 per cent of the population rely on water located outside the premises. In addition, 36 per cent of the population have access to toilets not shared with others while 55 per cent use outdoor toilets.

9. Mongolia did not achieve target 7.C of the Millennium Development Goals to halve, by 2015, the proportion of the population in 1990 without sustainable access to safe drinking water and basic sanitation. According to the recent report on the World Health Organization/United Nations Children's Fund (WHO/UNICEF) joint monitoring programme (which was the first monitoring report produced after the adoption of the 2030 Sustainable Development Agenda), in 2015, 84 per cent of the Mongolian population had access to basic water services and 59 per cent to basic sanitation services. In other words,

[4] Information from the National Statistics Office 2013, provided by the Government in its submission.

[5] See National Secretariat for the second compact agreement between the Government of Mongolia and the Millennium Corporation of the USA, *Mongolia Constraints Analysis* (August 2016).

most Mongolians collect drinking water from water kiosks outside their homes and half the population has access to pit latrines. These figures are much lower when the concept of safely managed services in targets 6.1 and 6.2 of the Sustainable Development Goals is applied: as of 2015, only a quarter of the population received water on the premises and only 13 per cent had sewerage connections. Those numbers suggest that both drinking water and sanitation require further attention and must be given due priority by the Government.[6]

III. Legal, policy and institutional framework

10. At the international level, the human rights to water and sanitation are widely recognized. However, in the Mongolian context, the Special Rapporteur observed that government officials, civil society and the general population lack a clear understanding of the meaning of water and sanitation as human rights, which hampers the sound implementation of human rights obligations by the Government. One reason that contributes to this lack of knowledge is the absence of an explicit recognition of the human rights to water and sanitation in the legal and policy framework.

A. Legal framework

11. Mongolia is a party to several international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, which stipulates the right to an adequate standard of living, including the rights to water and sanitation. Mongolia has also supported United Nations resolutions that recognize the human rights to water and sanitation.[7] In accordance with article 10 of the Constitution, the international human rights treaties to which Mongolia is a party and particularly those that stipulate the human rights to water and sanitation become effective as domestic legislation upon the entry into force of the laws on their ratification or accession. However, the Special Rapporteur is of the opinion that the legal framework of Mongolia does not enshrine the normative content of the human rights to water and sanitation as a package.

12. The human rights to water and sanitation are not explicitly recognized in the Constitution. Instead, those rights are inferred from article 16.2 on the right to a healthy and safe environment. Also, article 6.1 of the Constitution states that water and water resources are State-owned and it provides a legal basis for water resource utilization and protection of the water supply that are under government control and regulation. The legal application of the rights to water and sanitation would therefore require interpretation by judicial bodies and policymakers, which can result in inconsistencies and implementation of only selected elements of their normative content.

13. Legislation on water and sanitation is equally inadequate in that respect. Currently, three laws provide a legal basis for access to water. The 2011 law on the utilization of water supply and sewage in urban settlements provides legal measures in relation to a private agreement between the water provider and the consumer. It addresses the issues of availability and access to water. Second, in article 10 of the law on the exploitation of natural resources, payment for water used for drinking and household purposes is addressed. Third, the law on water (revised in 2012) regulates the effective use, protection and restoration of water and water basins. The current legal framework does not address the entire set of the normative content and principles of the human rights to drinking water and sanitation. For instance, it does not address the issues of affordability and the prohibition of disconnection owing to inability to pay, nor the principles of equality and non-discrimination, progressive realization, the right to information, the right to participation and accountability.

[6] See *Progress on Drinking Water, Sanitation and Hygiene*, available at https://washdata.org/sites/default/files/documents/reports/2018-01/JMP-2017-report-final.pdf.

[7] Mongolia voted in favour of Human Rights Council resolution 33/10 and co-sponsored General Assembly resolution 72/178.

14. Replacing the sanitation law of 1998, the law on hygiene was passed in 2016, which addresses the issue of decentralized sanitation facilities, referring to sanitation facilities not connected to a central sewerage system. Article 4 requires that water be provided to satisfy the conditions for drinking and household use and article 4.1.4 addresses measures to improve the water quality by monitoring centralized and decentralized drinking water supply and water quality and safety at the household level. It is focused on hygiene from the perspective of an environment for healthy and safe living conditions and therefore does not incorporate social, cultural and economic issues such as acceptability dimensions, for instance, a gender perspective and references to menstrual hygiene management issues. The law furthermore does not address the affordability dimension of sanitation.

15. Additionally, the Special Rapporteur is concerned that no legislation addresses water supply and sanitation for the nomadic population, or the specific needs of the rural population.

16. The Special Rapporteur stresses that having a national law explicitly recognizing the human rights to water and sanitation is key to ensuring the justiciability of those rights. It is crucial that national legislation provides a clear guarantee to individuals and groups who are alleged victims of a violation of their rights to water and sanitation so that they can file a complaint before a judicial body, request legal remedies and have those remedies enforced. Justiciability of the human rights to water and sanitation is an essential precondition to ensuring the effectiveness of judicial mechanisms as part of the enforceability dimension of accountability (A/73/162). Furthermore, justiciability of those rights also has an impact on enforcement measures. The Special Rapporteur emphasizes that mechanisms should be in place to monitor compliance with established standards, impose sanctions and ensure that corrective and remedial actions are taken.

17. As the human rights to water and sanitation are not recognized in the Constitution, the Constitutional Court does not have the jurisdiction to adjudicate cases and issues as a violation of the human rights to water and sanitation, including disconnection. The Special Administrative Court allows civil society and residents to bring cases against private water and sanitation service providers delegated by municipalities. However, the Special Administrative Court has not adjudicated cases from a human rights perspective and has not incorporated accountability measures to hold governmental actors accountable for human rights obligations. That illustrates a gap in the exercise of the right of the Mongolian population to remedy and a limitation for the judiciary in addressing access to water and sanitation as a human rights issue.

B. Policy framework

18. In addition to ensuring that human rights to water and sanitation are clearly reflected in a holistic manner in the legislation and the respective regulatory instruments, the legal recognition of the human rights to water and sanitation then needs to be translated into policies and programmes.

19. The national water programme, currently in its second stage for the period 2016–2021, aims to provide safe and clean water that meets the standard of health and hygiene to at least 60 per cent of the rural population and 70 per cent of the urban population and to connect 30,000 households to central water distribution pipes. The agency officially responsible for the implementation of the programme is the Ministry of Environment and Green Development. Under its supervision, the National Water Committee is in charge of leading and monitoring the implementation and coordinating the different agencies that are involved. The action plan for the implementation of the national water programme defines specific activities and assigns them to one or several implementing agencies.

20. In 2014, Mongolia's first green development policy was adopted by the parliament. The policy supports the commitments of the United Nations Conference on Sustainable Development in Rio de Janeiro in 2012 to promote sustainable, green development. According to the action plan, one of the actions aimed at achieving that objective is to provide at least 90 per cent of the population with access to safe drinking water and 60 per

cent of the population with access to improved sanitation facilities by increasing the capacity and productivity of the water supply and sewerage system.

21. In 2016, Mongolia adopted a national implementation goal, the Sustainable Development Vision 2030, which replaced the comprehensive national development strategy related to the Millennium Development Goals. Its aims include ensuring that 80 per cent of the population is supplied with safe drinking water by 2020, 85 per cent by 2025 and 90 per cent by 2030 and ensuring that 40 per cent of the population uses improved sanitation and hygiene facilities by 2020 and 60 per cent by 2030. According to the National Development Agency, Mongolia intends to integrate the implementation and monitoring of the Sustainable Development Vision 2030 in line with the Sustainable Development Goals.

22. In the view of the Special Rapporteur, the area of water and sanitation in the Sustainable Development Vision 2030 is not fully aligned with the commitments that Mongolia made under the Sustainable Development Goals. In the Sustainable Development Vision 2030, drinking water and sanitation are subsumed into Sustainable Development Goal 6 as a whole and the short-, medium- and long-term goals ("objectives") are largely disconnected from the Sustainable Development Goals, both in their formulation and in their aspiration. With this approach, the specificities of targets 6.1 and 6.2 of the Goals might be lost. The Special Rapporteur is concerned that without the involvement of key ministries, the human rights approach and the social aspects of both targets will be neglected. It is important to remember that "leaving no one behind" is the main message of the Sustainable Development Goals. Furthermore, targets 6.1 and 6.2 on access to water and sanitation aim to provide universal safely managed services to all — not "improved services", which was the terminology used in the Millennium Development Goals. The Special Rapporteur recommends that the Government align the Sustainable Development Vision 2030 on water and sanitation with the agenda of the Sustainable Development Goals and implement it through a human rights lens.

C. Institutional framework

23. Another factor that the Special Rapporteur observed that constitutes a limitation for implementing the human rights to water and sanitation are the institutional arrangements of the water and sanitation sector in Mongolia. As water touches upon every aspect of life, several government bodies have functions and responsibilities related to water and sanitation services. However, those bodies lack clear coordination. Without a clearly established human rights framework and adequate coordination among government entities, the water and sanitation sector therefore inevitably fails to take the normative content and principles of the human rights to water and sanitation into consideration. Responsibility is scattered among numerous governmental bodies and institutions, which prevents individuals from effectively holding the Government accountable for its human rights obligations. The principle of accountability requires that actors involved in the provision and regulation of water and sanitation services and those who are tasked to realize the human rights to safe drinking water and sanitation must have clearly defined roles, responsibilities and performance standards (A/73/162).

24. Following the dissolution of the National Water Authority in 2012, there are currently several ministries tasked with fragmented aspects of providing drinking water and sanitation services to the Mongolian population, resulting in a patchwork of ways in which the Government addresses the human rights framework. While the national water programme, approved in 2010, provides a basis for coordination between the Ministry of Environment and Tourism and the National Water Committee, as the leading agencies for the programme, the scope of implementing the human rights to water and sanitation extends beyond those entities. Each ministry has its own role in the water and sanitation policy, but there is no unified national policy, nor a body in the central Government tasked with ensuring proper and effective coordination. It appears that the drinking water and sanitation agenda is currently diluted in the agenda of water resources management. This lack of a clear institutional framework and a centralized strategy shifts the burden of responsibility to local governments, which are responsible for the actual provision of services to the local

population. The Special Rapporteur also emphasizes that there is no nationally designated agency with a clear mandate to plan and implement interventions in the area of sanitation. In particular, there is no agency in charge of monitoring sanitation in the *ger* areas.

25. The Special Rapporteur recommends that in any current or future institutional reform, a governmental body be tasked to coordinate the water and sanitation policy at the level of the central Government, together with focal points in each ministry. That coordination should be approached through the human rights framework and should ensure that the responsible bodies are held accountable. The current deficit in the access to water and sanitation services in the country requires effective efforts from the Government that are fully aligned with human rights.

26. Government institutions responsible for the normative content of the rights to water and sanitation are introduced in the relevant part of section IV.

IV. Human rights to drinking water and sanitation

27. In resolution 72/178, the General Assembly recognized that "the human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use, and that the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living". Together with general comment No. 15 (2002) on the right to water of the Committee on Economic, Social and Cultural Rights and the report of the independent expert on the issue of human rights obligations related to access to safe drinking water and sanitation (A/HRC/12/24), in his previous report the Special Rapporteur clarified the meaning of human rights standards and principles for sanitation, water and hygiene, in the light of different types of services (A/70/203).

A. Availability

28. Availability refers to the quantity of safe water available for domestic and personal use and the necessary availability of water resources for those uses. The normative content of the human right to water requires that the water supply for each person be sufficient and continuous for personal and domestic use, which includes water for drinking and personal hygiene and for personal and domestic uses, such as cooking, the preparation of food, laundry and cleaning (see Committee on Economic, Social and Cultural Rights general comment No. 15, para. 12). As for sanitation, a sufficient number of sanitation facilities has to be available. The necessary structures also have to be put in place to ensure the availability of services (see A/70/203, para. 7).

29. The Ministry of Environment and Tourism is responsible for identifying water resources to ensure the availability of drinking water. However, the availability of water resources alone does not adequately cover access to drinking water. The availability of water resources must be accompanied by the availability of infrastructure and facilities for individuals to have access to water and sanitation. For that, the Ministry of Construction and Urban Development deals with construction related to infrastructure and at the local level, the Water Supply and Sewerage Authority of Ulaanbaatar is responsible for building public infrastructure.

1. Continuous availability

30. Water services must be continuous, but the Special Rapporteur observed several cases of discontinuous services. For instance, several public kiosks that the Special Rapporteur visited in the *ger* areas were closed one or two days a week and also during the night. The opening hours of water kiosks are not convenient for the working population. Households whose members had jobs reported that their access to water was limited because kiosks were closed after working hours. In 2017, 42 per cent of the population had

a discontinuous supply of water.[8] To address this, government entities identified an automated water-dispensing machine, referred to as a "smart water kiosk", as a solution to provide a continuous water supply to the residents of *ger* areas. There are around 100 smart water kiosks in the *ger* area of Ulaanbaatar and some rural areas, such as Dalanzadgad, have piloted smart water kiosks.

31. Continuous service of sanitation facilities in educational institutions, including dormitories in schools, is another area of concern. While nearly half the schools in Mongolia have indoor toilets, it remains a concern as to whether the schools are able to afford the fees to maintain them. For instance, where a sewerage system is lacking, wastewater needs to be drained and tanks emptied, incurring costs. As such, it was explained to the Special Rapporteur that some schools lock the bathrooms during school hours, limiting access for students. The Special Rapporteur wishes to emphasize that the availability of toilets needs to be accompanied by financial support in order to ensure that they are continuously available for use.

2. Water consumption

32. The varying levels of access have a strong effect on the disparity in the consumption of water between those living in the *ger* areas and those in apartments. In the apartment areas, daily water usage reaches approximately 200 litres per person, while the daily water consumption of residents in the *ger* area of Ulaanbaatar is lower than the recommended minimum quantity of water needed in emergencies, which is 15 litres per person according to WHO standards. At one water kiosk in Ulaanbaatar, the Special Rapporteur met a man who was collecting 50 to 60 litres for his family, which consisted of three adults and seven children.

33. The low level of water consumption in the *ger* areas is due to several issues: the distance between household and water kiosks; the difficulty of reaching kiosks and fetching water from kiosks; household hygiene practices and behaviours; excreta disposal through pit latrines and the lack of shower facilities in homes. In addition, it was explained to the Special Rapporteur that *ger* area residents prefer not to collect large amounts of water because they have limited capacity for water storage and for water disposal during winter, when wastewater cannot soak into the frozen soil.

34. The Special Rapporteur also learned that there are significant differences in water consumption between different kiosks supplying water to the same number of consumers. The location and infrastructure of water kiosks, as well as the financial capacity of residents, are essential factors that influence the level of water consumption. For instance, families who own cars can fetch their water by car and usually collect water from kiosks that are accessible by road.

3. Priority for personal and domestic uses

35. From a human rights perspective, water for personal and human consumption must take priority over any other types of use, whether for industry, tourism or agriculture. According to the 2013 UN-Water country brief for Mongolia, as of 2009, the industrial sector was responsible for the majority of water withdrawals (38 per cent) together with irrigated crops (23 per cent) and livestock (21 per cent).[9] While mining and other industries may be a driver of economic growth, that may affect the priority of water allocation, which should be given to water used for essential personal and domestic uses for the whole population. The country's development goals should be implemented in a way that does not undermine water usage for human consumption and sanitation.

36. As Mongolia faces challenges related to the quantity and quality of water resources, both surface and groundwater, a future scenario of further pressure on water allocation and socioenvironmental conflicts over water is very likely. That will be exacerbated when the

[8] International Benchmarking Network for Water and Sanitation Utilities, country profile for Mongolia, available from http://database.ib-net.org/Country_Profile?ctry=92.

[9] Available from www.unwater.org/publications/un-water-country-briefs-mongolia/.

level of access to water increases in the *ger* areas. Water availability might increasingly fall behind the overall demand for water from all sectors. Prioritization of use thus becomes important and those managing water resources need to consider those factors. The Special Rapporteur recommends that Mongolia apply a human rights framework to guide policy and actions, particularly by giving priority to water for personal and domestic purposes.

B. Accessibility

37. Water and sanitation facilities and services must be physically accessible for everyone within or in the immediate vicinity of all spheres of their lives, particularly at home, but also in educational institutions, health facilities, the workplace, prisons and public places. In Mongolia, there exist different levels of services of water: piped network at home, truck-fed water kiosks, piped-fed kiosks and water kiosks supplied by well. In terms of sanitation, services are either individual solutions, namely pit latrines located outside dwellings, or connection to the central sewerage network.

38. The Water Supply and Sewerage Authority and the Housing and Communal Service Authority of Ulaanbaatar and their counterparts in local administrations, together with private providers, are responsible for the provision of services to households. The Ministry of Food, Agriculture and Light Industry oversees the provision of water in pastoral lands, particularly provision to the nomadic population, while the Ministry of Labour and Social Protection oversees access to water and sanitation for persons with disabilities.

1. Rural and urban areas

39. Nearly half the Mongolian population of 3 million is concentrated in urban cities, with 45 per cent of the population living in Ulaanbaatar and 9 per cent in Darkhan and Erdenet. The rest of the population is widely dispersed across the rural areas. The concentration of the population and the development around cities has shaped the disparity between the level of access to water and sanitation between cities and rural areas. In urban areas, residents enjoy relatively good access to improved water and sanitation, while access is lower among the poorest communities in rural areas and urban and peri-urban *ger* districts. In 2015, in their joint monitoring report, WHO and UNICEF reported that the urban population of Mongolia enjoyed near universal access to basic water services (94 per cent), but only half the rural population had access to that level of services (56 per cent). For sanitation, the disparity between urban and rural areas was also significant: in urban areas 66 per cent had access to basic sanitation services, while in rural areas only 41 per cent had access.[10]

40. The Special Rapporteur was able to witness this clear distinction during his stay in Ulaanbaatar and when he travelled to the Dundgovi and Umnugovi *aimags* (provinces). According to the Ministry of Environment and Tourism, of 334 *soums* (sub-provinces), only 20 have piped water supply for their central areas. The rest rely on collective or individual wells built by the Government, private entities or individuals. It is concerning that 34 *soums* still do not have a drinking water source that meets the national drinking water standard. The Special Rapporteur encourages the relevant ministries in the central Government, together with local governments, to continue to take measures to improve drinking water quality and to identify alternative safe water sources for those *soums* that do not have water sources that meet the drinking water standard.

41. The Special Rapporteur also noted the disparity between regions. The three main urban cities Ulaanbaatar (Tuv *aimag*), Darkhan (Darkhan-Uul *aimag*) and Erdenet (Orkhon *aimag*) are located in the northern region and all enjoy improved sanitation above the national level, according to the non-governmental organization Mongolia Water Forum Uskhelts. On the other hand, the provinces with the lowest level — Bayankhongor, Uvs, Khovd and Govi-Altay to name but some — are all located in the western region of Mongolia.[11] The Special Rapporteur recommends that the Government address the urban-

[10] *Progress on Drinking Water, Sanitation and Hygiene*.

[11] Figures from the 2010 population and housing census data.

rural and regional inequalities in access to drinking water and sanitation and give due priority to rural areas, which often lack the technical assistance and financial support needed to improve their services.

2. The *ger* areas and apartment areas

42. The stark division between the peri-urban *ger* areas and central apartment areas in Ulaanbaatar, with more than half the population living in the *ger* areas, was clearly visible to the Special Rapporteur. In terms of access to improved water, almost 45 per cent of Ulaanbaatar residents are connected to the water distribution system, whereas the residents of the *ger* areas rely on public kiosks, where water is supplied by water trucks or piped systems, or private kiosks supplied by wells. Currently, the Water Supply and Sewerage Authority of Ulaanbaatar operates 620 water kiosks, of which 50 per cent are connected to the central water distribution system and the rest are provisioned by mobile water truck. As almost 60 per cent of the population of Ulaanbaatar (approximately 200,000 households) live in the *ger* areas, the average ratio of 1 kiosk for more than 300 households is not sufficient. Furthermore, water kiosks entail high operating costs in the *ger* areas, which poses a challenge to building more water kiosks in them.

43. In terms of sanitation, some households in the *ger* areas have handwashing sinks with a small water container located above the sink, which usually holds two litres. Households collect wastewater in a bucket and discharge it to wastewater collection pits beside the pit latrines. Residents of the *ger* areas, especially children, generally take a bath at home by pouring water over themselves, although some take a shower in a bathhouse or use the shower in a relative's apartment.

44. The Special Rapporteur also observed those inequalities and concerns in other *aimags*. In Dundgovi and Umnugovi *aimags*, the distinction between the centres of *soums* and the *ger* areas is similar to that in Ulaanbaatar, but is smaller in size. For instance, in Dalanzadgad, all residents of apartments (about 4,000) have a connection to a piped network, whereas only 30 per cent of approximately 16,000 *ger* area residents have such access. The Special Rapporteur could clearly see that a different standard is applied to the *ger* areas, most obviously that they are not connected to a piped water and sanitation infrastructure.

45. That picture poses a challenging question as to the best way for the Government to address these inequalities. The Special Rapporteur recognizes that continuous efforts are being made to improve access to water and sanitation in the *ger* areas. With funds from the Asian Development Bank, the municipality of Ulaanbaatar is now in the process of establishing a separate communal system of water supply and sewerage in the *ger* areas. However, from the interaction the Special Rapporteur had with many stakeholders, including government officials, he observed that many take it for granted that water kiosks and individual (often unimproved) pit latrines are the expected level of access for the *ger* areas. In terms of the improvements that are being considered for those areas, the measures are limited to increasing the number of kiosks, extending piped systems to supply the kiosks or implementing smart kiosks. Of course, gradual improvements of the conditions in the *ger* areas are compatible with the principle of the progressive realization of human rights, but the Special Rapporteur would like to emphasize that improvements could be accelerated and upgraded in the current plans and efforts. The case of Dalanzadgad, mentioned above, where the centralized systems have been extended to the *ger* areas, shows that it is possible to treat the population of those areas in an equal manner to the population living in the central urban areas. The Special Rapporteur urges the Government to bridge the gap between the *ger* areas and the apartment areas by devising short- and long-term plans to provide gradual improvements in access to water and sanitation for the residents of *ger* areas.

3. Nomadic population

46. Although some efforts and measures have been implemented in the last decades, it was explained to the Special Rapporteur that the 9,000 wells available — 70 per cent of which are shallow wells — are largely insufficient to address the needs of the nomadic population. Concerns were also shared that water quality is sometimes an issue in the

shallow wells. Mongolia must provide an equivalent level of access to services to nomads and non-nomads alike and devise measures to accommodate their lifestyles. The Special Rapporteur suggests that better access to water for nomads that is sufficient for their personal consumption and for their livestock could be a key contributing factor in preventing mass migration to cities and rural centres.

47. Another related feature of the nomadic lifestyle of the population is the common existence of dormitories in schools. As the nomadic family moves from one place to another, in order to ensure continuous education, children from nomadic families live in dormitories during the nine-month school year. The Special Rapporteur visited several dormitories where students were able to access water, albeit cold, and toilets were in good shape. However, he also visited dormitories where students were using very unsafe external toilets without any access to water. For those students, dormitories are their main habitual residence and he therefore emphasizes that the Government needs to address water and sanitation conditions in dormitories in schools.

4. Persons with disabilities and older persons

48. Another aspect of inequality that the Special Rapporteur observed is in relation to persons with disabilities and older persons. According to the Ministry of Labour and Social Protection, 93,000 families have at least one member with a disability. Of those families, it is estimated that 52 per cent live in an apartment and the rest in the *ger* areas. Living in areas without connections to piped systems poses an additional layer of challenge for persons with disabilities and older persons.

49. During his two weeks in Mongolia, the only time that the Special Rapporteur saw a toilet built specifically for persons with disabilities and elderly persons in need of physical help was in the hospital of the Khuld *soum* of Dundgovi *aimag*. This was the only toilet with specific requirements for 50 residents (out of 2,400) who have a physical disability, of whom 6 were in need of wheelchairs. However, even that toilet, as acknowledged by the representative of the health centre, does not meet their requirements. In addition, collecting water from a water kiosk, carrying 20 litres of water and walking back and forth in poor road conditions in the *ger* areas pose challenges for persons with disabilities and elderly persons. In that regard, the Special Rapporteur urges the Government to comply with its human rights obligation under the Convention on the Rights of Persons with Disabilities, in particular article 28.[12]

5. Ethnic minority

50. In Mongolia, there is a minority population of Kazakh descendants living in the Bayan-Ulgii *aimag*, the westernmost *aimag* close to Kazakhstan. According to the 2010 census, the Kazakh minority represented around 4 per cent of the population. Owing to pastoral degradation in the western part of the country, the nomadic Kazakh population tends to migrate to the eastern part of the country, and it was explained to the Special Rapporteur that at times, the nomadic Kazakh minorities are subject to discrimination when accessing public wells.

C. Affordability

51. Water and the use of sanitation facilities and services must be affordable to individuals for all personal and domestic uses (A/HRC/30/39).

52. In Mongolia, each local administration proposes water tariffs and the Water Services Regulatory Commission approves them. The Ministry of Education and the Ministry of Health provide a budget to schools and hospitals, respectively, to maintain their facilities. As for social support, the Ministry of Labour and Social Protection identifies and surveys the population in need.

[12] Mongolia ratified the Convention in 2008 and acceded to it in 2009.

1. Water tariff and connection charges

53. The difference in levels of services leads to the difference in prices paid by individuals for water. In 2017, the Water Supply and Sewage Authority provided water at a price of tog 795 or $0.33 for 1,000 litres to households connected to the central network in Ulaanbaatar. In contrast, the water tariff is much higher for the residents of *ger* areas, who collect water from kiosks. The Water Services Regulatory Commission reports that residents of the *ger* areas in Ulaanbaatar pay at least tog 1,000 (approximately $0.50) per litre of water from kiosks. That is an amount far higher than the rates paid by households with piped connections.

54. Despite the high unitary prices, the rates are subsidized, as the cost of water and wastewater is approximately $0.56 per cubic metre.[13] Water from kiosks connected to the central network costs three times as much as the revenue it produces and four times as much for kiosks not connected to the central network. It costs tog 6,500 to distribute 1 cubic metre of water from water kiosks and results in a loss of over tog 1 billion annually in Ulaanbaatar.

55. With only 620 public kiosks available, residents of *ger* areas in Ulaanbaatar use private kiosks for drinking water, where charges are higher than the public kiosks. There are approximately 187 private boreholes in the *ger* area of Ulaanbaatar and water is charged at between tog 2 and 5 per litre, which is at least double the price of a public kiosk. The Special Rapporteur notes that there is no regulatory framework in place in Mongolia to regulate the service provisions of a private informal service provider.

56. Sanitation in the *ger* areas also implies other economic burdens for the residents, such as the need to dig new pit latrines when the latrine in use is full, for which they must hire and pay individual contractors. Additionally, without proper access to water at home, they use private shower facilities that charge tog 1,500 or $0.60 (for instance, in Mandalgovi in Dundgovi *aimag*) or tog 2,500 or approximately $1 (for instance, in Gachuurt district in Ulaanbaatar). At the time of the Special Rapporteur's visit, at both facilities the showers were clean but not in use. Considering that the average monthly income in Mongolia is approximately $220, access to private shower facilities can be unaffordable for a large family, leading to the infrequent use of showers. In addition to this economic burden, the Special Rapporteur emphasizes that residents of *ger* areas also incur non-monetary costs, such as the time that individuals take to collect water and go to the shower facilities.

57. In rural areas, the Ministry of Construction and Urban Development has implemented a project entitled "South-east Govi urban and border town development", funded by the Asian Development Bank, which aims to improve water and sanitation services for residents. In Dalanzadgad *soum*, the Special Rapporteur met a family who was happily enjoying a piped water connection inside their home, benefiting from the central water system infrastructure and a connection to a sewerage system. A few houses away from this family, the Special Rapporteur met a retired couple living on a pension who could not connect to the central network, as they were not able to afford the high connection fee, a one-time payment of tog 800,000 (approximately $340). The water connection charges increased from $50 in 2005 to $260 in 2017, while connection charges for sewerage decreased from $330 in 2012 to $260 in 2017.[14]

58. Even when households have a piped network available in their street, the responsibility and financial burden fall on the residents to put in place toilets, sinks and showers, as well as a heating system for hot water, not to mention adjusting the initial structure of the house to accommodate them. The Special Rapporteur encourages the Ministry of Labour and Social Protection to establish a specific programme to support those who are economically vulnerable in improving the facilities in their homes needed to access a piped network (for example, pipes, toilets, etc.). At the same time, the Special Rapporteur

[13] See International Benchmarking Network for Water and Sanitation Utilities, available from http://database.ib-net.org/Country_Profile?ctry=92.

[14] Ibid.

encourages the central Government and the local authorities to implement the means for facilitating the connection of those groups to piped systems through subsidy mechanisms.

59. In Mongolia, the water tariff is determined by the law on fees for the use of natural resources, the law on urban and rural water supply, sewerage and treatment, and the decree on ecological and economical evaluation of water. The governor of each *aimag* proposes tariffs and the Water Services Regulatory Commission approves the tariff proposal in consultation with the Consumer Committee. The Government has recently agreed on a new methodology to set water tariffs and is implementing pilot projects to test and validate the new model. In that respect, the Special Rapporteur provides a few elements below for the new methodology, in order for it to be compliant with the human rights obligation on water and sanitation.

60. Firstly, from a human rights perspective, it is important to reconcile the financial sustainability of the water and sanitation services with affordable access to those services for the population in vulnerable situations. Secondly, affordability does not mean only the price of the bill paid, but also includes other costs involved, such as non-monetary costs, particularly when addressing the financial burden of water and sanitation services for people living in the *ger* areas. Thirdly, to ensure the financial sustainability of providers, costs do not need to be recovered only from tariffs and different types of taxes, and transfer allocations should be considered. Additionally, in most countries, the unserved and the underserved populations tend to pay more for water and sanitation, and the shortcut to ensure affordable access is to provide an adequate level of services for all. The last consideration is that an efficient way to ensure affordable tariffs for the economically disadvantaged population is to charge non-residential users (industry, commerce, the service sector) higher tariffs, promoting cross-subsidies for residential users. Further, the reform of the water tariff scheme needs to take into account social tariffs and should also include water tariffs set by informal service providers that are currently operating outside government regulations. The Special Rapporteur recommends that these principles be considered as a guideline for any initiative to reform the water tariff system in Mongolia.

2. Disconnections in case of incapacity to pay

61. Affordability does not require that water and sanitation services be provided free of charge. However, when people cannot afford water and sanitation for reasons beyond their control, the State needs to find ways to ensure such access. Disconnection of water services owing to an inability to pay constitutes a violation of human rights. The Special Rapporteur would like to highlight the need to establish a clearer procedure on disconnections of water services.

62. In Mongolia, the law does not prohibit such disconnections. Disconnection cases are a topic addressed in the administrative courts, as they are considered an issue between an individual and a private entity contracted by the Government to provide water connections. However, the Special Rapporteur would like to reiterate the widely understood notion that the State, through the Government and its agents, is responsible for respecting, protecting and fulfilling human rights. Therefore, even if the State delegates the provision of water to a third party, the obligation still lies with the State and matters of disconnection should be considered as a human rights issue.

D. Quality and safety

63. The water used by households and individuals for domestic and personal uses must be of sufficient quality to protect their health.[15] In the case of Mongolia, where the water supply relies heavily on groundwater sources, untreated or only disinfected, pollution of water by any means, including by agriculture, industry and wastewater must, therefore, be prevented.

[15] See Committee on Economic, Social and Cultural Rights general comment No. 15.

64. The Ministry of Health is tasked with the surveillance of water quality and health issues related to the water supply. The Ministry of Environment and Tourism is responsible for the quality of surface water and groundwater, and the General Agency for Specialized Inspection is responsible for monitoring water quality and for ensuring the implementation of the applicable legal standards. At the local level, the local administration is responsible for controlling the quality of the drinking water that it provides to residents.

1. Water quality

65. During the visit, the Special Rapporteur heard a number of concerns expressed about the quality of drinking water. They referred to the impact of mining activities (including small-scale mining), overexploitation of aquifers, the hardness of the water and microbiological and chemical contamination, among others. The report of the General Agency for Specialized Inspection on the inspection of the quality and safety of drinking water in 2013 showed 22.8 per cent of samples with levels of bacteria above the allowed level and 5.2 per cent contaminated by the intestinal bacillus group.

66. Water sources are unevenly distributed within Mongolia, with abundant surface water resources located in northern Mongolia, but which are inaccessible to the drier central and southern parts of the country that lack water sources. As a result, Mongolia has a high degree of reliance on groundwater resources for drinking water and for domestic and personal usage. Approximately 90 per cent of water consumption is from groundwater. For instance, Ulaanbaatar relies entirely on groundwater for its water supply: only 1 per cent of its water supply is from surface water. That reliance on groundwater, coupled with the contamination of groundwater from mining and other industrial activities, poses a serious problem for the country.

67. As a large proportion of the population leads a nomadic lifestyle, migrating from one place to another, the nomadic population tend to use shallow wells or even surface water as their water sources. In the northern regions of Mongolia, small-scale artisanal gold mining is widely practised and often unregulated. Such unregulated gold-mining activities can chemically contaminate surface water and negatively impact on water quality for the nomadic population, as they are not aware, for example, of the colourless and odourless arsenic in the water. The Special Rapporteur met a nomadic family on the way from Ulaanbaatar to Umnugobi and he saw that the shallow well they use was vulnerable to contamination by animal faeces and soil pollution. He also witnessed the challenges they faced in using limited quantities of water for both humans and animals.

68. Residents of *ger* areas face higher health risks than those living in apartments, owing to water and sanitation issues. A survey of water quality in the *ger* areas, carried out in 2012–2013 found that 36 per cent of household storage containers were contaminated by *E. coli* in the winter, which rose to 56 per cent during the summer.[16] The level of domestic water contamination is very high, owing to the way in which water is fetched, stored and handled. The Special Rapporteur witnessed individuals using water containers that were not dedicated to the storage of drinking water.

69. As there are no sewers in the *ger* areas of Ulaanbaatar, and most people use unimproved pit latrines, the greywater flows in the streets and leads to soil pollution, which may lead to groundwater contamination. The Special Rapporteur notes that beyond an individual's access to a latrine or toilet, sanitation also has an important public health dimension. Adequate sanitation not only guarantees the individual access, but also protects the human rights of others, including their rights to life, health, water and a healthy environment, by ensuring that the environment in which they live is not contaminated with faeces (A/68/264).

70. Another relevant aspect related to the human right to water is the right to information, which includes information on water quality. The Special Rapporteur

[16] Sayed Mohammad Nazim Uddin and others, "Exposure to WASH-borne hazards: a scoping study on peri-urban ger areas in Ulaanbaatar, Mongolia" *Habitat International*, vol. 44 (October 2014).

encourages the Government to establish a systematic procedure to provide individuals with information on the quality of water they consume, using clear and accessible language.

2. Quality monitoring

71. In line with the water safety plan, the General Agency for Specialized Inspection conducts water quality examinations in coordination with the Ministry of Health. In doing so, it collects 1,000 samples per year. The Special Rapporteur emphasizes that a more substantial number of annual samples would help to provide a more comprehensive overview of the quality of drinking water in the country and would meet the international guidance on water quality control. Another issue is the lack of efficient resources to ensure timely reparation of situations where the quality of water does not meet the standards. The representatives of the Agency explained that when an alarming situation arises, the Deputy Prime Minister must be notified in order to set up the necessary measures to remedy the violation, which can result in a long process for proper and timely reparation of critical situations.

72. Concerning water quality checkpoints, the Special Rapporteur heard several concerns expressed about the quality of the water supplied by water trucks, as well as the impact on water quality of the types of water containers predominantly used by the population. To address this concern, the Special Rapporteur urges the Government, through the General Agency for Specialized Inspection, to monitor water in public facilities and to develop water quality monitoring at points of use.

73. In monitoring drinking water quality, it is critical that the most updated standard be used. The current norm, from 2005, requires an urgent update in line with the latest version of the WHO *Guidelines for Drinking-water Quality*, which define relevant limits for a wide range of potentially harmful substances to prevent "significant risk to health over a lifetime of consumption".[17] The Special Rapporteur encourages the General Agency for Specialized Inspection to accelerate the current momentum of the discussion on the revision of the current norm and to propose a standard compatible with the most updated international standards and scientific knowledge in this field.

74. Another concern in relation to water quality monitoring arises from the informal providers. Privately owned wells that are registered with the General Agency for Specialized Inspection are monitored; however, there are no mechanisms in place to ensure that the water quality from unregistered wells is adequate for human consumption.

3. Safety of sanitation services

75. Human rights require that sanitation facilities must be hygienically safe to use and easy to clean and maintain. They must effectively prevent human and animal, including insect, contact with human excreta to avert the spread of disease. Sanitation facilities must also be technically safe to use, which means that the superstructure is stable and the floor and hole to the pit are designed in a way that reduces the risk of accidents.

76. In 2015, the Government established norms and requirements for water, sanitation and hygiene in kindergartens, schools and dormitories. In implementation of this standard, around half the schools in Mongolia currently have indoor toilets. The conditions of the outdoor toilets that the Special Rapporteur saw seemed very inadequate and unsafe for usage, in contrast to the excellent conditions that he saw in recently built toilets in schools, for instance in the districts of Gachuurt and Nalaikh in Ulaanbaatar. The Special Rapporteur urges the Government to address this disparity between schools, so that all Mongolian students enjoy the same conditions.

[17] World Health Organization, *Guidelines for Drinking-water Quality*, 4th ed. (Geneva, World Health Organization, 2011).

E. Acceptability, privacy and dignity

77. Sanitation facilities and services must be culturally acceptable (see A/HRC/12/24, para. 80), taking into account the needs of persons with disabilities, elderly persons and other populations in vulnerable situations in the design and positioning of sanitation facilities and conditions for their use.

78. Sanitation facilities that do not allow women and girls to change menstrual materials and to wash put women and girls at a disadvantage based on their gender. Toilets for women and girls must accommodate menstruation hygiene management needs, particularly with respect to privacy. In Mongolia, the Special Rapporteur observed that sanitation for girls who are starting their menstruation is problematic. The minimum standard study conducted by the Government in 2015 found that girls during their menstruation cycle had a tendency not to attend school, as they did not want to use the unimproved toilets. Another concern related to menstrual hygiene is that access to water and showers in dormitories and the provision of pads for girls of menstruation age are not yet prioritized. The Special Rapporteur recommends that the Ministry of Education put a high priority on programmes for menstrual hygiene management in schools and dormitories.

V. International development cooperation

79. Since 1998, several international development funders, both multilateral and bilateral, have been working to improve access to water and sanitation services in Mongolia. While improvements have been made in the last 20 years, the situation of water and sanitation in Mongolia is in dire need of further support and government entities still face challenges in repaying the loans from the projects. For instance, the Water Supply and Sewerage Authority and the Housing and Communal Service Authority of Ulaanbaatar are currently in debt recovery from the World Bank loan of 1998.

80. Against the backdrop of the current challenges faced by Mongolia in providing access to water and sanitation for all, the Special Rapporteur emphasizes that giving priority to the water and sanitation sector in the international development cooperation agenda is essential. Priority must be given, in order to address the disparity in access to water and sanitation services and other technical challenges that arise owing to the continental climate of Mongolia. In that connection, he suggests that such circumstances be considered as an exceptional element that would argue for more grants as opposed to loans, even if Mongolia is placed in the middle-income country category. Furthermore, he calls for a joint effort from international development funders, international and national implementing entities and the Government to improve access to water and sanitation in the *ger* areas. In doing so, he recalls that all actors in development cooperation should implement their human rights obligations and responsibilities throughout the cycle of development cooperation (A/72/127).

VI. Conclusions and recommendations

81. **During his two-week visit, the Special Rapporteur examined access to water and sanitation services for Mongolians living in urban and rural areas, including the nomadic population. In particular, he observed various layers of inequalities in access to drinking water and sanitation services. From a human rights perspective, inequalities in access to those services are a matter of great concern. In the present report, the Special Rapporteur presents these concerns in line with the normative content of the human rights to safe drinking water and sanitation, namely, availability, accessibility, affordability, quality and safety, acceptability, dignity and privacy. He reiterates that disparities in access to water and sanitation require legal, policy, institutional and technical solutions from a human rights perspective and that Mongolia should incorporate human rights into its continued efforts to improve water and sanitation services for all.**

82. **The Special Rapporteur would like to emphasize that the adoption of a comprehensive approach to implementing the human rights to water and sanitation will guide and aid Mongolia in reducing the inequalities in access and progressively realizing universal access to water and sanitation services. In that connection, the Special Rapporteur recommends that the Government:**

(a) **Adopt legal provisions that recognize the human rights to water and sanitation at the national level;**

(b) **Incorporate the normative content and principles of the human rights to water and sanitation for policies and programmes on water, sanitation and hygiene;**

(c) **Implement measures to address the institutional arrangements in the water and sanitation sector, which currently limit the implementation of the human rights to water and sanitation, inter alia:**

(i) **Conduct a comprehensive assessment of the institutional arrangements in the water and sanitation sector, with a view to establishing a unified national policy and a governmental body tasked to coordinate the water and sanitation policy of the central Government, together with focal points in each ministry. That coordination should be approached through the human rights framework and should ensure that the responsible bodies are held accountable;**

(ii) **Improve dialogue and exchange of information between all levels of government in relation to access to water and sanitation, in accordance with a clearly established human rights framework;**

(iii) **Establish clearly defined roles and responsibilities of governmental institutions related to water and sanitation in order to address the scattered responsibilities that prevent individuals from effectively holding the Government accountable for its human rights obligations;**

(iv) **Establish a designated governmental agency with a clear mandate to plan and implement interventions in the area of sanitation, with a particular focus on the *ger* areas;**

(v) **Establish accountability mechanisms to monitor the compliance of the relevant governmental institutions and informal service providers with established standards and impose sanctions, and ensure that corrective and remedial action is taken;**

(d) **Align the Sustainable Development Vision 2030 of Mongolia on water and sanitation, in its aspirations and its language, with Sustainable Development Goals 6.1 and 6.2 and implement the Sustainable Development Vision 2030 through a human rights lens;**

(e) **Address disparities between schools, so that all Mongolian students enjoy the same conditions and in particular, address water and sanitation conditions in dormitories in schools. Measures should aim to ensure continuous service of sanitation facilities in education facilities, by addressing the financial support needed to maintain sanitation facilities in schools. High priority should be given to programmes for menstrual hygiene management in schools and dormitories, with a focus on access to adequate facilities, sanitation, infrastructure and supplies to enable girls to change and dispose of menstrual materials;**

(f) **Address and bridge the gap between the *ger* and apartment areas in terms of the level of water and sanitation services, continuity of services and water tariffs. In doing so, devise short- and long-term measures to provide a gradual improvement in access to water and sanitation, with the aim of ensuring continuous services and connection to piped networks:**

(i) **During the initial phases, envisage and plan to increase the number of water kiosks and improve the quality of pit latrines;**

(ii) **During the subsequent phases, with the expansion of piped networks to the *ger* areas, establish a specific programme or *subsidy mechanism to support***

those who are economically vulnerable in improving the facilities in their homes that are needed to access a piped network and to pay fees for connecting to piped networks;

(g) Address urban-rural inequalities in access to water and sanitation services and give due priority to rural areas, with technical assistance and financial support to improve those services;

(h) Apply a human rights framework to water resources management, particularly by giving priority to water for personal and domestic use over other uses related to economic activities;

(i) On drinking water quality:

(i) Increase the number of annual samples in order to have a more comprehensive overview of drinking water quality and meet the international guidance on water quality control;

(ii) Continue to take measures to improve drinking water quality and to identify alternative safe water sources for *soums* with drinking water services that do not meet the drinking water standard;

(iii) Take advantage of the current revision of national standards and adopt standards compatible with the most updated international guidelines and scientific knowledge in the field;

(iv) Establish a systematic procedure to provide individuals with information on the quality of the water they consume, using clear and accessible language;

(j) Establish a regulatory framework to regulate the provision of services, including those under the responsibility of local governments and of private informal service providers;

(k) Establish a clearer procedure on disconnections of water services;

(l) Incorporate human rights standards and principles in the current reform initiative of the water tariff system.

83. The Special Rapporteur recommends that international development funders:

(a) Prioritize development cooperation activities in the Mongolian water and sanitation sector, particularly in the *ger* areas, increasing the proportion of grants as opposed to loans in their funding;

(b) Put in place guarantees and safeguards to ensure that their development cooperation will fully incorporate human rights, particularly by implementing the human rights principles and standards at all stages of the cycle of development cooperation projects.